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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/608,701      | 06/27/2003  | Mark V. Vandewalle   | 5490-000283         | 9681             |

27572 7590 11/08/2005

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 828

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EXAMINER

ARAJ, MICHAEL J

ART UNIT

PAPER NUMBER

3733

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                          |                        |  |                     |  |
|--------------------------|------------------------|--|---------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                          | 10/608,701             |  | VANDEWALLE, MARK V. |  |
|                          | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                          | Michael J. Araj        |  | 3733                |  |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Michael J. Araj. (3) Brent G. Seitz.  
 (2) Eduardo Robert. (4) \_\_\_\_\_

Date of Interview: \_\_\_\_\_

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1-41.

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative has faxed proposed amendments on October 26, 2005 (attached hereto). These amendments were discussed and currently overcome the art of the last office action mailed August 9, 2005. Further search and consideration will be pursued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
**EDUARDO C. ROBERT**  
**PRIMARY EXAMINER**

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**HARNESS, DICKEY & PIERCE, P.L.C.**

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5445 Corporate Drive, Suite 400  
Troy, Michigan 48098-2683  
Phone: 248-641-1600  
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St. Louis, MO • Washington, D.C.

**DATE:** October 26, 2005

|                                       |                             |
|---------------------------------------|-----------------------------|
| <b>TO: MICHAEL J. ARAJ (EXAMINER)</b> | <b>FAX No. 571-273-5963</b> |
|---------------------------------------|-----------------------------|

|                             |                                |
|-----------------------------|--------------------------------|
| <b>FROM: BRENT G. SEITZ</b> | <b>DIRECT No. 248-641-1262</b> |
|-----------------------------|--------------------------------|

**NO. OF PAGES (INCLUDING COVER SHEET):**

**10**

|                                   |                               |
|-----------------------------------|-------------------------------|
| <b>APPLICATION No. 10/608,701</b> | <b>CLIENT No. 5490-000283</b> |
|-----------------------------------|-------------------------------|

**COMMENTS:**

**EXAMINER ARAJ:**

**PLEASE REVIEW THE ATTACHED PROPOSED AMENDMENTS IN PREPARATION FOR  
OUR OCTOBER 31, 2005 INTERVIEW AT 2:00 PM EST.**

**THANK YOU,  
BRENT SEITZ**

**\*\*\* NOTICE \*\*\***

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**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

**DRAFT AMENDMENTS**

The following listing of claims will replace all prior versions and listings of claims in the application.

**LISTING OF CLAIMS**

1. (Currently Amended) A bone screw anchor system operable to secure an implant to a bone using a fastening device comprising:

an externally threaded intermediary portion;

[[a]] an open tip located at a first end of said intermediary portion;

a head defining a groove having an interface capable of cooperating with a driving tool operable to facilitate implantation of said anchor within said bone, said head located at a second end of said intermediary portion opposite said open tip; and

a threaded interior bore extending through said head and through at least a portion of said intermediary portion, said bore having threads operable to cooperate with corresponding threads of the fastening device;

wherein said fastening device secures the implant to the bone.

(Cancelled)

3. (Currently Amended) The bone screw anchor system of Claim 1, wherein said tip further comprises at least one cutting flute.

4. (Currently Amended) The bone screw anchor system of Claim 1, wherein said tip is self-tapping.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

5. (Currently Amended) The bone screw anchor system of Claim 1, further comprising at least one port providing communication between said interior bore and an exterior of said bone screw anchor.

6. (Currently Amended) The bone screw anchor system of Claim 1, further comprising at least one cutting flute extending across at least a portion of a length of said intermediary portion.

7. (Currently Amended) The bone screw anchor system of Claim 1, wherein at least a portion of said bore is filled with bone cement.

8. (Currently Amended) The bone screw anchor system of Claim 1, wherein said head further comprises a collar.

9. (Currently Amended) The bone screw anchor system of Claim 8, wherein said collar further comprises at least one cutting flute.

10. (Currently Amended) The bone screw anchor system of Claim 1, wherein said bore extends completely through said anchor.

11. (Currently Amended) The bone screw anchor system of Claim 1, wherein said anchor is comprised of a resorbable material.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

12. (Cancelled)

13. (Currently Amended) The bone screw anchor system of Claim 1, wherein the implant is a bone plate.

14. (Currently Amended) The bone screw anchor system of Claim 1, wherein said tip has a diameter that is smaller than a diameter of said intermediary portion.

15. (Currently Amended) The bone screw anchor system of Claim 1, wherein said intermediary portion is completely externally threaded.

16. (Cancelled)

17. (Currently Amended) The bone screw anchor system of Claim 1, wherein said fastening device is a screw.

18. (Currently Amended) The bone screw anchor system of Claim 1, wherein said interface of said head is at least one recess operable to mate with said driver.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

19. (Currently Amended) A bone screw anchor system operable to secure an implant to a bone using a fastening device comprising:

an externally threaded intermediary portion;

[[a]] an open tip located at a first end of said intermediary portion;

a head located at a second end of said intermediary portion, said second end positioned opposite said first end; and

a bore extending through said head, said intermediary portion, and said tip operable to direct bone cement from said bore to said bone through at least one of a port and said tip;

wherein said bore is threaded to receive the fastening device operable to secure the implant to said anchor;

wherein the implant is secured between the fastening device and the anchor.

20. (Currently Amended) The bone screw anchor system of Claim 19, wherein said anchor is self tapping.

21. (Currently Amended) The bone screw anchor system of Claim 19, further comprising at least one flute extending from said tip to said head.

22. (Currently Amended) The bone screw anchor system of Claim 19, wherein said head further comprises a collar.



**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

23. (Currently Amended) The bone screw anchor system of Claim 19, wherein said collar further comprises at least one cutting flute.

24. (Currently Amended) The bone screw anchor system of Claim 19, wherein said head further comprises an interface to permit cooperation between said anchor and a driving tool during implantation of said anchor within said bone.

25. (Currently Amended) The bone screw anchor system of Claim 19, wherein said anchor is comprised of a resorbable material.

26. (Currently Amended) The bone screw anchor system of Claim 19, wherein said bone cement is injected within said bore using a delivery apparatus comprising:

a bone cement receptacle; and

a threaded tube connected to said receptacle and operable to cooperate with said threads of said bore.

27. (Currently Amended) The bone screw anchor system of Claim 26, said delivery apparatus further comprising a stem extending from said threaded tube, said stem terminating in a disk operable to plug said bore at said tip to prevent bone cement from passing through said tip.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

28. (Currently Amended) The bone screw anchor system of Claim 19, wherein said implant is a bone plate.

29. (Currently Amended) The bone screw anchor system of Claim 19, wherein said tip has a diameter that is smaller than a diameter of said intermediary portion.

30. (Currently Amended) The bone screw anchor system of Claim 19, wherein said intermediary portion is completely externally threaded.

31. (Cancelled)

32. (Currently Amended) The bone screw anchor system of Claim 19, wherein said fastening device is a screw.

33. (Currently Amended) The bone screw anchor system of Claim 19, wherein said interface of said head is at least one recess operable to mate with said driver.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

34. (Currently Amended) A method of securing a bone screw anchor system  
an implant to a bone comprising:

implanting a bone screw anchor within said bone using a driving tool  
operable to cooperate with a groove in a head of said anchor;

injecting bone cement into a threaded bore extending through said head  
and at least a portion of an intermediary region of said anchor using a cement delivery  
device, said bone cement exiting said bore through at least one opening in an  
intermediary portion of said bore to permit said bone cement to secure said anchor to  
said bone; and

threading a fastening device into the bore to secure an implant.

~~securing an said implant to said anchor using a threaded fastening device  
secured within said bore.~~

35. (Original) The method of Claim 34, further comprising protecting an  
internally threaded portion of said anchor during said injecting step.

36. (Original) The method of Claim 34, further comprising threadably  
connecting said delivery device with internal threads of said anchor to protect said  
threads from being contaminated with said bone cement during said injecting step.

37. (Original) The method of Claim 34, wherein said bone cement exits said  
bore through a tip of said anchor.

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

38. (Original) The method of Claim 34, wherein said bone cement exits said bore through at least one side port located on one or more sides of said anchor.

39. (Currently Amended) A method for securing a bone screw anchor system an implant to a bone comprising:

providing an anchor having:

an externally threaded intermediary portion;

a tip located at a first end of the intermediary portion;

a head having an interface capable of cooperating with a driving tool operable to facilitate implantation of the anchor within the bone, the head located at a second end of the intermediary portion opposite the tip; and

a threaded interior bore extending through the head and through at least a portion of the intermediary portion, the bore having interior threads and operable to cooperate with corresponding threads of a fastening device;

implanting the anchor within the bone and using bone cement to secure the anchor to the bone;

placing an implant over the anchor and the bone; and

fastening the implant to the anchor using the fastening device such that the implant is between the anchor and the fastening device.

40. (Original) The method of Claim 39, further comprising:

**DRAFT AMENDMENTS FOR DISCUSSION AT OCTOBER 31, 2005 INTERVIEW  
NOT TO BE ENTERED**

injecting bone cement through the interior bore, the bone cement exiting the bore through at least one opening in the interior bore to secure the anchor to the bone.

41. (Original) The method of Claim 39, further comprising:

injecting bone cement through the interior bore using a cement delivery device that mates with threads within the bore to protect the threads.